

METROPOLITAN DEVELOPMENT COMMITTEE

DATE: August 30, 2004

CALLED TO ORDER: 5:30 p.m.

ADJOURNED: 7:28 p.m.

ATTENDANCE

Attending Members

Steve Talley, Chairman
Angela Mansfield
Ron Gibson
Jackie Nytes
Marilyn Pfisterer
Mike Speedy

Absent Members

Becky Langsford

AGENDA

PROPOSAL NO. 490, 2004 – amends portions of the Sign Regulations to delete provisions pertaining to political signs and to amend provisions pertaining to noncommercial opinion signs

PROPOSAL NO. 491, 2004 – establishes new fees for certain inspections performed by the Department of Metropolitan Development

PROPOSAL NO. 534, 2004 – a final resolution in an amount not to exceed \$10,000,000, which consists of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (to be renamed Cambridge Station Apartments) located at 7801 West 10th Street, (District 13)

BUDGET HEARING

Division of Neighborhood Services
Mayor's Action Center
Division of Compliance
Division of Planning

METROPOLITAN DEVELOPMENT COMMITTEE

The Metropolitan Development Committee of the City-County Council met on Monday, August 30, 2004. Chairman Steve Talley called the meeting to order at 5:30 p.m. with the following members present: Ron Gibson, Angela Mansfield, Jackie Nytes, Marilyn Pfisterer, and Mike Speedy. Absent was Becky Langsford. Also present were Earl Salisbury, Councillor, District 13 and Kent Burrow, Chief Financial Officer of the Council.

PROPOSAL NO. 490, 2004 – amends portions of the Sign Regulations to delete provisions pertaining to political signs and to amend provisions pertaining to noncommercial opinion signs

Scott Chinn, Corporation Counsel, said the existing ordinance since 1995 was brought under legal challenge in August 2003. He said the challenge was not brought to signs in the right-of-way but to signs on private property. The Libertarian Party, which was the plaintiff in the August 2003 lawsuit, made the complaint on the time restrictions in the ordinance. He said this is what caused the Corporation Counsel and Department of Metropolitan Development (DMD) to start looking into the sign ordinance. He said after reviewing the ordinance and noticing some problematic provisions, they made an agreement with the Libertarian Party and the federal judge in this case that they will take this matter to the Council for some new governing provisions. He said Proposal No. 490, 2004 is the best legal analysis of what is an appropriate and constitutional regulation of these political signs. In this proposal, the Corporation Counsel recommends taking the time restrictions off and having a limitation of the number of signs on one particular property to five signs. He said the reason they are presenting this proposal before the committee is because it is becoming more frequent. Also, after a lawsuit, they have to explore what the new regulatory restriction can be before going forward. If they do not do something to change the ordinance, they will not be able to regulate in this area. He said he believes that the recommended changes in the ordinance will not keep a lawsuit from being filed seeking to challenge this law. He asked April Sellers, Deputy Corporation Counsel, to explain what the ordinance does in more detail. She directed the committee members to Proposal No. 490, 2004 (Exhibit A, see file) and said the way the ordinance is structured, it describes all the signs that do not need a permit. The changes are on page three of Proposal NO. 490, 2004, in section (m) and (o). She said they have compromised with political and noncommercial signs by having the same size limitations, permitted in any zone, and up to five per street frontage.

Councillor Pfisterer asked why there is a limitation on the number of signs on private property. Ms. Sellrs said there are reasonable limits to the extent that it affects the neighbors.

Councillor Speedy asked if they feel the current ordinance is unconstitutional. Ms. Sellers said they would not phrase it as being unconstitutional but do recommend the changes in the proposal. Councillor Speedy asked what the Libertarian Party was seeking

to gain with this ordinance. Ms. Sellers said the time restriction was an issue and also they do not agree with any particular limit with the number of signs.

Councillor Mansfield asked if apartment complexes that have signs enticing citizens are regulated. Ms. Sellers said she is unprepared to say the exact number, but she believes they are regulated.

Councillor Speedy asked who else was involved in the process other than the Corporation Counsel. Ms. Sellers said she has spoken with and attended meetings of Marion County Alliance of Neighborhood Associations (MCANA) in reference to this ordinance.

Councillor Speedy said with his experience with yard signs, if the signs are displayed too early they lose their effectiveness with citizens. Mr. Chinn said the two reasons why they are suggesting to eliminate the time restriction is because there is a legal question about the time restriction and secondly, the current ordinance treats political signs differently compared to noncommercial signs.

Councillor Gibson said he agrees there are legal challenges under the current law and believes it is best they adopt Proposal 490, 2004.

Councillor Mansfield said she understands the legal issue but is not comfortable on the proposal and would like to hear opinions from the neighborhood associations.

Chairman Talley said that if they postpone the proposal he will personally contact MCANA and other neighborhood associations. Mr. Chinn said if something is not done now a lot of enforcements will be made on the current ordinance, and it could also become very costly as appeals are made.

Councillor Gibson moved, seconded by Councillor Nytes, to send Proposal No. 490, 2004, to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 4-1-1 with Councillor Mansfield abstaining and Councillor Speedy casting the negative vote.

PROPOSAL NO. 491, 2004 – establishes new fees for certain inspections performed by the Department of Metropolitan Development

Rick Powers, Administrator of Division of Compliance, directed the committee members to Exhibit B (see file) and said the accelerated inspections are a way to ensure a contractor receives a visit without the 48 hour provision going into effect. He said they had to address the issue of having immediate service because the existing fees are not covering the actual cost of providing the service and the impact on others that are expecting service. The re-inspection fee is assessed when construction does not pass and an additional visit is needed. He said the current fee for all the conditions for accelerated inspections are \$40 and the re-inspection fee is \$75. The proposed fee increases are

needed to deflect the rising costs of providing inspections, including labor and processing costs.

Amy McFadden, Deputy Controller, said by State statute they have to make sure that any fees being charged are only to cover cost and they have been very conservative in estimating what those actual costs are.

Councillor Pfisterer asked if a re-inspection will take the same amount of hours as an initial inspection. Mr. Powers replied in the affirmative and said the impact is the re-inspection would have to be fit into the schedule and other inspections would have to be delayed. Councillor Pfisterer asked why the proposed fee for re-inspection is not more. Mr. Powers said to be conservative they decided with \$125 as the proposed fee because with this type of inspection it can take an hour or 5 minutes and they want to make sure not to over charge. Councillor Pfisterer asked if they have the staff to support doing these inspections. Mr. Powers said this is one reason they are proposing the changes because the staff they have are over loaded.

Councillor Nytes asked if there are some situations when someone would still get an inspection for no extra fee. Mr. Powers replied in the affirmative. Councillor Nytes said her concern is the contractors that can pay for accelerated inspections may be the most experienced, and the contractors we really need to pay more attention to may be overlooked. Mr. Powers said they have done several studies that looked at how many accelerated inspections they are doing now at \$40 and the contractor community have spoken to what they believe is effective. Councillor Nytes asked if they knew how many contractors contact them for an inspection and they are unable to do the inspection. Steve Kerzan, Building Inspections Manager, said about 5,000 to 6,000 contractors.

Councillor Speedy asked when the proposed fee becomes effective. Mr. Powers said in January 2005. Councillor Speedy asked if the fees once passed will decrease their allowance. Mr. Powers said they have no allowance or tax revenues. Councillor Speedy asked if a contractor will have notice of an increase in fee. Mr. Powers said they would know the fee before they are charged.

Councillor Speedy moved, seconded by Councillor Mansfield, to send Proposal No. 491, 2004, to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

PROPOSAL NO. 534, 2004 – a final resolution in an amount not to exceed \$10,000,000, which consists of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (to be renamed Cambridge Station Apartments) located at 7801 West 10th Street, (District 13)

Rod Morgan, bond counsel for the Economic Development Commission (EDC), said the rehabilitation and equipping per unit will be \$15,000. He said this is a tax credit transaction with a volume cap that has been allocated and the transaction must close

before September 20, 2004 in order for the volume cap to be utilized for this project. He said the EDC heard this final resolution at the August 2004 meeting and there was a unanimous vote given to pass this resolution. He said proper notice was given, no members of the public were present, and no written comments were received at the public hearing. He said there are no significant changes in the project since the introduction in February 2004.

Councillor Salisbury said at the previous presentation of this resolution he voted against it. He said his concerns were if the housing would be subsidized or partially subsidized and if this would be a short-term project. He asked Mr. Anderson, representative of the project, to address his financial concerns with this project. Mr. Anderson said there will be tax credits on the project that will be earned over a ten year period which brings a great incentive for the developer to remain in the project. Councillor Salisbury said he also was concerned about picking up more activity of vandalism, but actually now feels the neighborhood is going to improve with this project.

Councillor Nytes asked what the rental rates would be for these units. Mr. Anderson said the rental rates are 40, 50, and 60 percent of the area median income.

Mr. Morgan added that these bonds will not be an obligation of the City of Indianapolis and no tax revenues will be used to repay the bonds.

Councillor Pfisterer moved, seconded by Councillor Mansfield, to send Proposal No. 534, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-0.

BUDGET HEARING

Division of Neighborhood Services

Kevin Sifferlen, Administrator of Division of Neighborhood Services, said Township Administrators (TAs) have the most challenging jobs in government, but they are also the most rewarding. TAs attend neighborhood meetings, connects citizens to City services, and do hands on work with the citizens. He said their proposed budget is \$771, 786, a 17.5% decrease.

Councillor Nytes asked how the department handles access to vehicles. Mr. Sifferlen said they use pool vehicles and keep enough money in the budget for staff that choose to have their miles reimbursed.

Mayor's Action Center (MAC)

Patrick Holdsworth, Administrator of the MAC, said the MAC is the central point of contact for citizens to get information about City services, agencies, and to request those services. The MAC has a staff of 21 employees, 16 of whom are customer service

representatives, who are on the phones everyday assisting citizens. He said they have a new system in place called the Citizen Relationship Management (CRM) that allows them to put citizens at the forefront of everything they do at the MAC. The CRM system is based on getting information to and replying back to the citizens immediately. The CRM also has given the MAC the ability to have two-way communication between other departments to insure accurate and timely information to the citizens.

Chairman Talley asked if data is available on the amount of hang-up calls and wait time per call. Mr. Holdsworth said they have monthly reports and would be happy to provide that information to the committee members. He said right now it takes about 44 seconds for someone to answer the phone.

Councillor Nytes asked for more detail on Line Item 190, Special Pay/Compensation. Mr. Holdsworth said this line item is for pay raises for their union employees. Councillor Nytes asked if Councillors will have access to the CRM system. Mr. Holdsworth replied in the affirmative and said right now they are trying to finalize some things.

Councillor Pfisterer asked if the tracking number is going to follow each transaction in the CRM. Mr. Holdsworth replied in the affirmative. Councillor Pfisterer asked about the reduction in Line Item 101, Salaries – Weekly. Mr. Holdsworth said the reduction in Line Item 101 is due to going from bi-weekly to weekly for the union employees. Galen Himmelheber, Chief Financial Officer of Division of Financial Services, said part of the decrease is due to hiring certain positions at slightly less than the previous employee and the issue of the 27th pay for the union positions. Councillor Pfisterer asked for clarification on Line Item 350, Facility Lease and Rentals; Line Item 356, Equipment Maintenance and Repair; and Line Item 359, Equipment Rental. Mr. Holdsworth said in Line Item 350 this is a charge through Building Authority for their rental space, in Line Item 356, they purchased a recording machine for their phone calls at the MAC, and in Line Item 359 this increase is due to their contract with Xerox.

Councillor Speedy asked for clarification on Line Item 335, Information Technology. Mr. Holdsworth said those funds are going towards the CRM system.

Councillor Nytes asked if encumbrances for the CRM system would be shown in the June 30, 2004 figures. Dan Jones, Deputy Auditor, said the software application is probably one part that is not encumbered, but they do have information technology budgets in a separate category in the Auditor's budget.

Division of Compliance

Rick Powers, Administrator of Division of Compliance, said their staff handles the challenge of damage assessment following a tragedy and are involved in out reach efforts. He said they have already received 4,704 investigation cases this year from the MAC and 3,962 abandon vehicle complaints that their staff were able to address. Their proposed 2005 budget is \$8,034,704 with an increase of \$78,321 in department

chargebacks. He added that their reductions of \$438,069 over shadow any increases and are clearly identified under each line item.

Councillor Pfisterer asked for clarification of Line Item 730, Charges for Services under Resources in the budget book (page 147). Mr. Himmelheber said they are trying to be conservative in their projections for 2005. He added some of these revenues may drop off toward the beginning of next year. Councillor Pfisterer asked if there were any increases in fees that would fall under this category. Mr. Himmelheber replied in the negative. Councillor Pfisterer asked why Line Item 780, Fines and Penalties, is decreasing. Mr. Powers said this is due to no fines or penalties being found although inspection failure rates are increasing. Councillor Pfisterer asked why Line Item 790, Miscellaneous Revenue, is tracking more than what was projected. Mr. Himmelheber said this is also a case where they projected early and tried to be conservative when they made their projections. Councillor Pfisterer asked what Miscellaneous Revenue is. Mr. Himmelheber said this is primarily for copying fees and other like items.

Councillor Speedy asked the reasoning behind the increase in Line Item 710, Licenses and Permits. Mr. Powers said this is just due to the increased activity going on in Marion County. Mr. Himmelheber said on an odd year there is a slight spike in the renewal of two-year licenses. Councillor Speedy asked for clarification of Line Item 326, Communication Services. Mr. Powers said they are moving funds to Line Item 335, Information Technology, for additional equipment on their laptops they use out in the field.

Councillor Nytes asked if the division has some tax revenue. Mr. Himmelheber replied in the negative. Councillor Nytes asked what the title Taxes, Non-Department Revenue and Fund Balance represents in their budget. Amy McFadden, Deputy Controller, said this is just a generic title. Councillor Nytes asked if there is any fund balance in this division can they hold over until the next year. Mr. Jones said the division has its own sub-fund.

Division of Planning

Mike Peoni, Administrator of Division of Planning, said the purpose of Division of Planning is to try to provide orderly development of the community, in a manner that affects most citizens. He said this is done by conducting studies, preparing plans, analyzing and providing information, etc. He said in 2005 they will be working with the Township Advisory Committee to adopt the Comprehensive Plan, continue to update the Regional Transportation Plans, plan to review approximately 1200 land use petitions, and work on several other plans. Their 2005 proposed budget is \$4,084,046 with a 3.9 % decrease. He said their largest increase is in Line Item 303, Consulting Services. These increases will help the Metropolitan Planning Organization keep up with the demands of their work program. The largest decrease is in Line Item 335, Information Technology. They intend to develop a program but they are going to hold off due to budget constraints.

Councillor Pfisterer asked how they receive their funds for Line Item 750, Intergovernmental. Mr. Peoni said these funds are from federal grants. Councillor Pfisterer asked for clarification on Line Item 30, Other Services and Charges. Mr. Peoni said the activities they are involved in determines their increases. Councillor Pfisterer asked why nothing is being budgeted for Line Item 120, Overtime. Mr. Peoni said the projects they are involved in impact their overtime, and they are not always sure how much time is needed on a project. Mr. Himmelheber added they have budgeted \$1,500 for overtime.

Councillor Nytes asked about the numbers in Line Item 303, Consulting Services, and Line Item 306, Architectural and Engineering Service. Mr. Peoni said the combination of Line Item 300, Professional Services, Line Item 303, Consulting Services, and Line Item 306, Architectural and Engineering Service, will give the accurate amount in increases to their budget.

Councillor Speedy asked what attributed to the large amount of funds already spent in Line Items 303 and 306. Mr. Peoni said the large amount of funds spent is caused by the type of studies in which they are involved. Councillor Speedy asked if the Council has been briefed on any of those studies. Mr. Peoni replied in the affirmative and said he would be happy to provide details of the studies.

CONCLUSION

With no further business pending, and upon motion duly made, the Metropolitan Development Committee of the City-County Council was adjourned at 7:28 p.m.

Respectfully submitted,

Steve Talley, Chairman
Metropolitan Development Committee

ST/as